

#7

PATENT
Customer Number 22,852
Attorney Docket No. 07994.0011

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

John David PORTER et al.

Group Art Unit: 2739

Serial No.: 09/592,683

Examiner: Unassigned

Filed: June 12, 2000

For: CONTROL SIGNALLING AND
DYNAMIC CHANNEL
ALLOCATION IN A WIRELESS
NETWORK

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DEC 29 2000

PETITIONS OFFICE

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

REQUEST FOR RECONSIDERATION OF PETITION
UNDER 37 CFR 1.47(a)

Applicants respectfully request reconsideration of the Decision Refusing Status Under 37 CFR 1.47(a) mailed December 7, 2000. According to the Decision, Applicants' response lacked items (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers; and (4) a statement of the last known address of the non-signing inventor.

As discussed with Ms. Frances Hicks of the Office of Petitions on December 29, 2000, Applicants believe that their submission of October 10, 2000, fully satisfies these requirements. In satisfaction of item (1), Applicants submitted a Declaration by the non-signing inventor whereby the inventor declares that attorneys for ABL "requested that I review a copy of the 09/592,683 application as filed in the United States and sign a Declaration." Mr. Porter continues on to declare that he has been advised by his current employer not to review and therefore not to sign the Declaration. Applicants submit that this signed declaration by the inventor fully shows proof that petitioner has

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made a *bona fide* attempt to present the papers to the inventor, and that the inventor refuses to sign, as required by MPEP 409.03(d).


Regarding item (4), Applicants respectfully refer to the statement at the bottom of page 2 of the Response to Notice to File Missing Parts dated October 10, 2000, in which the undersigned attorney declares that "Mr. Porter's last know [sic] address is listed in his Declaration." Applicants respectfully submit that this sentence satisfies the intent of item (4) and should be accepted as a declaration by petitioner's attorney that the non-signing inventor's last known address is listed in the concurrently-filed papers. Nonetheless, and to expedite reconsideration, the undersigned states that, to the best of her knowledge, the last known address of John David Porter is 108 Cambridge Road, Great Shalford, Cambridge, C82 5JJ, United Kingdom.

In view of the foregoing, Applicants respectfully request that the Decision Refusing Status be reconsidered and that the Declaration filed on October 10, 2000, be accepted. Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 29, 2000

By: 
Linda J. Thayer
Reg. No. 45,681

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PETITIONS OFFICE**FACSIMILE TRANSMITTAL****TO**

Name: Ms. Frances Hicks
Firm: PTO/Office of Petitions
Fax No.: (703) 308-6916
Phone No.: (703) 305-8680
Subject: 09/592,683
Your File No.:

FROM

Name: Linda J. Thayer
Phone No.: (650) 849-6621
Fax # Verified by: MAM
Pages (incl. this): 3
Date: December 29, 2000
Our File No.: 07994.0011

Confirmation Copy to Follow: [Y/N]

Message:**Ms. Hicks:**

Per our conversation today, here is a Request for Reconsideration outlining what we discussed. Thank you for your prompt attention to this matter.

Linda Thayer

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